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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,290	04/14/2004	C. Todd Praisner	1606US1.014033.123	6053
69603 7590 08/03/2010 MOORE & VAN ALLEN, PLLC FOR BOFA 430 DAVIS DRIVE, SUITE 500 POST OFFICE BOX 13706 RESEARCH TRIANGLE PARK, NC 27709				
EXAMINER				
SHAIKH, MOHAMMAD Z				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
08/03/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/824,290

**Applicant(s)**

PRAISNER, C. TODD

**Examiner**

MOHAMMAD Z. SHAIKH

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is Office action in response to an amendment received on 05/19/10 for patent application 10,824,290.

***Status of Claims***

2. Claims 1-9 are pending in this application.
3. Claims 1, 3, 5 are amended.
4. Claims 7-9 are new.

***Claim Rejections- 35 U.S.C §103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are being rejected under 35 U.S.C 103(a) as being unpatentable over "Credit Card Alternatives Proposed for Online Payments": Bank Technology News, v 14, n5, p33, May 1, 2000, herein Bank Technology News in view of "GPayments: "Pseudo Card Numbers, A new weapon to combat fraud in eCommerce", herein GPayments.

Regarding claim 1, Bank Technology News discloses, a method for pushing credit payments as buyer-initiated transactions, comprising: allowing a buyer to initiate a credit payment as a buyer-initiated transaction comprising the buyer determining payment instructions for an accounts payable, the accounts payable representing a purchase made by the buyer from a merchant; communicating electronically, from the buyer, the payment instructions of the buyer-initiated transaction to an acquirer, rather

than a payment being initiated by the merchant, generating a transaction based upon the payment instructions without the transaction being initiated by the merchant, the transaction representing the buyer- initiated payment; and settling the transaction from the acquirer to the merchant ( page 3). However Bank Technology News does not specifically disclose that the transactions are a pseudo-credit transaction. GPayments discloses the transaction as a pseudo-credit transaction (page 5). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bank Technology's invention to include the transaction as a pseudo-credit transaction. One of ordinary skill in the art at the time of the invention would have been motivated to include the transaction as a pseudo-credit transaction in order to ensure that the transactions are secure.

Regarding claim 2, Bank Technology News discloses the method of claim 1. Bank Technology news further discloses utilizing merchant profiles to determine whether payment instructions should include a credit payment or a debit payment, wherein the generating of the transaction takes place where the payment instructions include a credit payment and wherein a separate step is used of electronically transferring funds from the buyer to the acquirer where the payment instructions include a debit payment (page 3: "the merchant ID number...").

Regarding claim 3, Bank Technology News discloses a system for pushing credit payments as buyer initiated transactions, comprising: a purchasing management system associated with a buyer to initiate a credit payment as a buyer-initiated transaction(page 3), the buyer having an accounts payable with a merchant and the

buyer having an account at an issuing bank (page 2: "Amex supplied free readers for consumer's PC's"); wherein the acquirer computer system is further configured to generate a transaction based upon the payment instructions without the transaction being initiated by the merchant, the credit transaction representing the buyer initiated payment; and wherein the acquirer computer system is further configured to settle the transaction by the acquirer computer system making payment to the merchant and working with a card processor and the issuing bank to receive funds from the account of the buyer at the issuing bank (page 3). However Bank Technology News does not disclose an acquirer computer system configured to receive electronically payment instructions from the purchasing management system as a pseudo-credit transaction. GPayments discloses an acquirer computer system configured to receive electronically payment instructions from the purchasing management system as a pseudo-credit transaction (page 5). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bank Technology News's Invention to include an acquirer computer system configured to receive electronically payment instructions from the purchasing management system as a pseudo-credit transaction. One of ordinary skill in the art would have been motivated to include an acquirer computer system configured to receive electronically payment instructions from the purchasing management system as a pseudo-credit transaction in order to ensure that all transactions are secure.

Claim 4 is being rejected using the same rationale as claim 2.

Claim 5 is being rejected using the same rationale as claim 1.

Claim 6 is being rejected using the same rationale as claim 2.

7. Claims 7-9 are being rejected under 35 U.S.C 103(a) as being unpatentable over Bank Technology News and Gpayments and further in view of "Accounts Receivable Financing", Johnson, Thomas A.. Internal Auditing. Boston: Fall 1990. Vol 6, Iss.2; pg 61,3 pgs herein Internal Auditing.

Regarding claim 7, Bank Technology News discloses the method of claim 1. However Bank Technology News does not disclose wherein the acquirer comprises an entity that buys credit card receipts from merchants. Internal Auditing discloses wherein the acquirer comprises an entity that buys credit card receipts from merchants (Abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bank Technology News to include wherein the acquirer comprises an entity that buys credit card receipts from merchants. One of ordinary skill in the art would have been motivated to include wherein the acquirer comprises an entity that buys credit card receipts from merchants in order to ensure that the entire process of purchasing accounts receivable is done in an efficient manner.

Claims 8-9 are being rejected using the same rationale as claim 7.

### **RESPONSE TO ARGUMENTS**

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### CONCLUSION

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD Z. SHAIKH whose telephone number is (571)270-3444. The examiner can normally be reached on Monday-Friday (9:30-6:00); alt Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Tramell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Z. S./  
Examiner, Art Unit 3694  
7/30/2010

Mohammad Z Shaikh  
Examiner  
Art Unit 3694

/Ella Colbert/  
Primary Examiner, Art Unit 3694